

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT HERRICK,	:	
	:	
Plaintiff,	:	
	:	C.A. No.: _____
v.	:	
	:	
HOSE ASSEMBLIES, INC., THE HOME DEPOT, INC., “ABC CORPORATION”(S) 1-10, and “JOHN DOE”(S) 1-10.	:	
	:	
Defendants.	:	
	:	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendant The Home Depot, Inc., correctly named Home Depot U.S.A., Inc. (“Home Depot”), by and through its undersigned counsel, hereby files its Notice of Removal of this action (the “Action”) from the Superior Court of the Commonwealth of Massachusetts, Department of the Trial Court, to the United States District Court for the District of Massachusetts. Home Depot appears for the purpose of removal only and for no other purpose, reserves all defenses and rights available to it, and states as follows:

1. On or around February 22, 2022, Plaintiff Robert Herrick (“Plaintiff”) commenced the Action in the Superior Court for the Commonwealth of Massachusetts, Department of the Trial Court, County of Hampden, as Civil Action No. 2279-cv-00128.

2. In the Complaint, the Plaintiff alleges that on or about February 25, 2019, a water leak occurred at his property in Westfield, Massachusetts (the “Premises”) causing significant damage to the Premises and Plaintiff’s personal property.

3. Plaintiff alleges that a washing machine hose and/or washing machine hose assembly parts manufactured by Hose Assemblies, Inc. and sold and installed by Home Depot, failed and flooded the property.

4. The Civil Action Cover Sheet avers \$548,493 in monetary damages.

5. On or about March 8, 2022, Plaintiff served a copy of the Summons and Complaint upon the Registered Agent of Home Depot. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.1, copies of the State Court Docket and Pleadings, are attached hereto as Exhibit 1. The Civil Action Cover Sheet and Category Sheet is attached hereto as Exhibit 2.

6. No motions are currently pending in this Action.

7. In accordance with the requirements of 28 U.S.C. § 1446(b)(1), this Notice of Removal is filed within thirty (30) days of Home Depot's receipt, through service or otherwise, of the Complaint and Civil Action Cover Sheet establishing that the case could be removed.

8. Plaintiff alleges that he is a resident of the Commonwealth of Massachusetts.

9. Defendant Home Depot is a corporation organized and existing pursuant to the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

10. Upon information and belief, Defendant Hose Assemblies, Inc. is a corporation organized and existing under the laws of the State of Indiana with its principal place of business in Mishawaka, Indiana.

11. The Action is a civil action over which the Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, in that the parties are citizens of different states and the amount in controversy with respect to Plaintiff exceeds \$75,000, exclusive of interest and costs.

12. Pursuant to 28 U.S.C. § 1446(d), Home Depot promptly will file a copy of this Notice of Removal with the Clerk of the Superior Court of the Commonwealth of Massachusetts, Department of the Trial Court, County of Hampden, and will serve a copy of the same on counsel for Plaintiff.

WHEREFORE, Home Depot hereby removes the Action now pending in the Commonwealth of Massachusetts, Department of the Superior Court, County of Hampden, Civil Action No. 2279-cv-00128, to the United States District Court for the District of Massachusetts.

Respectfully submitted,

DEFENDANT,
THE HOME DEPOT, INC. correctly named
HOME DEPOT U.S.A., INC.,
By its Attorneys,

/s/ Kaitlin Smith
Kelly Martin Malone BBO No. 640048
Kaitlin Kelly Smith, BBO No. 687594
Adler Pollock & Sheehan P.C.
175 Federal Street, 10th Floor
Boston, MA 02110-2210
Tel: 617.482.0600
kmalone@apslaw.com
ksmith@apslaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2022, I caused a true copy of the foregoing document to be served upon counsel of record through the court's CM/ECF filing system and electronic mail.

Patrick J. Loftus III
Katherine C. Loftus
Loftus & Loftus, P.C.
732 East Broadway
South Boston, MA
pjloftusandloftuspc.com
kcl@loftusandloftuspc.com

Robert A. Stern, Esq.
Douglas M. Allen, Esq.
Clausen Miller, P.C.
28 Liberty St., #3900,
New York, NY 10005
rstern@clausen.com
dallen@clausen.com

/s/ Kaitlin Smith
Kaitlin Kelly Smith